IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 30590 of 2004(N)

PETITIONER:

AYYAPPAN NAIR, SECRETARY,
CONFEDERATION OF CONUMSER VIGILANCE CENTRE,
SRI KOVIL KUNDUNGANOOR PO, THIRUVANANTHAPURAM.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS:

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1. M/S.CONYBIO HEALTH CARE (I)PVT.LTD.,
CONYBIO HOUSE, 69, JAWAHARLAL NEHRU ROAD,
(100 FEET ROAD), EKKADATHUNGAL, CHENNAI 600 097.

2. STATE OF KERALA, REP. DIRECTOR GENERAL
OF PROSECUTION, HIGH COURT OF KERALA.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC NO.30590 OF 2004

PETITIONER'S EXHIBITS:

EXT.P1:- TRUE COPY OF THE REGISTRATION CERTIFICATE.

EXT.P2:- TRUE COPY OF THE ORDER NO.391/C1/2000/F&CSD DATED 13/3/2001 OF GOVT. OF KERALA.

EXT.P3:- TRUE COPY OF THE ORDER NO.10314/C1/02/F.CS&CA DATED 22/12/2002 OF GOVT. OF KERALA.

EXT.P4:- TRUE COPY OF THE ORDER NO.11101/CA-1/2003/F.CS&CA DATED 28/05/2004 OF GOVT. OF KERALA.

EXT.P5:- TRUE COPY OF THE CERTIFICATE OF AWARD.

EXT.P6:- TRUE COPY OF THE CERTIFICATE OF NATIONAL AWARD 2002.

EXT.P7:- TRUE COPY OF THE PAMPHLETS PUBLISHED BY THE FIRST RESPONDENT.

EXT.P8:- TRUE COPY OF THE REPORT IN BUSINESS WORD MAGAZINE OF DECEMBER 2003.

EXT.P9:- A TRUE COPY OF THE REPORT IN THE MAGAZINE PHARMABIZ COM.

EXT.P10:- TRUE COPY OF THE NEWS PAPER REPORT IN DEEPIKA DAILY DATED 20/2/2004.

EXT.P11:- TRUE COPY OF THE MATHRUBHUMI DAILY DATED 28/12/2003.

EXT.P12:- TRUE COPY OF THE MATHRUBHUMI DAILY DATED 29/12/2003.

EXT.P13:- TRUE COPY OF THE NEWS PAPER REPORT DATED 26/2/2004.

EXT.P14:- TRUE COPY OF THE PUBLIC NOTICE IN MALAYALA MANORAMA DAILY DATED 28/2/2004.

EXT.P15:- TRUE COPY OF THE COMPLAINT TO THE S.I OF POLICE VATTIYOORKAVU DATED 2/12/2003.

EXT.P16:- TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT NO.569/PTN/B2/03 DATED 3/12/2003.

EXT.P17:- TRUE COPY OF THE JUDGMENT IN WPC NO.9991/2004.

EXT.P18:- TRUE COPY OF THE COMPLAINT IN CC NO.3305/2004 BEFORE THE IX METROPOLITAN MAGISTRATE COURT SAIDAPET CHENNAI.

[TRUE COPY]

R.BASANT, J.

W.P.C.No.30590 of 2004

Dated this the 13th day of June 2007

JUDGMENT

The petitioner has come to this court with the prayer that Ext.P18 complaint against him pending before the IX Metropolitan Magistrate Court, Saidapet Chennai may be quashed. The matter has been adjourned from time to time. Now in the light of the decision in Meenakshi Sathish v. Southern Petrochemical Industries [2007(1) KLT 890(FB)] it is evident that this court has no jurisdiction to grant the relief prayed for. The prayer in this writ petition does, in these circumstances, merit and warrant rejection. I do so.

2. The learned counsel for the petitioner submits that the petitioner may be given breathing time to appear before the learned Magistrate or to move the High Court of Tamil Nadu and obtain appropriate reliefs. A warrant of arrest is pending against the petitioner. Appropriate directions under Section 438 Cr.P.C may be issued in the interests of justice, it is prayed.

3. I am satisfied that breathing time can be given to the petitioner to appear before the learned Magistrate concerned or to seek appropriate orders from the High Court of Tamil Nadu. Though I am not granting the larger relief the lesser relief of an order under Section 438 Cr.P.C can, in the interests of justice be granted, I am satisfied.

4. In the result, this writ petition is dismissed with the following directions under Section 438 Cr.P.C.

(i) The petitioner shall appear before the learned Chief Judicial Magistrate, Thiruvananthapuram on or before 23/6/2007 and shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum undertaking to appear before the IX Metropolitan Magistrate Court, Saidapet Chennai on or before 23.7.2007.

(ii) The petitioner shall appear before the IX Metropolitan Magistrate Court, Saidapet Chennai on or before 23/7/2007 and seek regular bail. He shall satisfy the learned Chief Judicial Magistrate, Thiruvananthapuram of such compliance on or before 30/7/2007. This obligation to appear before the IX Metropolitan Magistrate Court, Saidapet Chennai

shall be subject to orders, if any, to be passed by the Honourable High court of Tamil Nadu.

(iii) Warrant against the petitioner shall not be executed against the petitioner till 23/6/2007. If the petitioner enters appearance and executes the bond, such warrant shall not be executed till 23/7/2007.

If the petitioner does not appear before the learned Magistrate on 30/7/2007 and report compliance, the learned Chief Judicial Magistrate shall proceed under Section 446 Cr.P.C against the petitioner and his sureties.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007